

Aug 27, 2018

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

FARLEY WALKER AND THE  
MARITAL COMMUNITY THEREOF,

Plaintiff,

v.

ELLENSBURG SCHOOL DISTRICT  
AND ELLENSBURG BOARD OF  
DIRECTORS, AND INDIVIDUALLY  
MICHAEL NOLLAN, CURTIS BULL,  
HEATHER HAZLETT, DAN SHISSLER,  
JENNIFER HACKETT, AND  
JONATHAN LEONARD,

Defendants.

No. 1:17-cv-03183-SAB

**ORDER DENYING  
RECONSIDERATION**

Before the Court is Defendants' Motion for Reconsideration of ECF 32, ECF No. 33. Defendants request the Court reconsider its Order Re: Motion to Quash, ECF No. 32, wherein the Court denied in part Defendants' motion to quash a subpoena directed at third-party CRS for failure to demonstrate the documents sought thereby were protected by attorney-client privilege. The Court further directed non-party CRS to object to the production of such evidence should it deem necessary. For the reasons stated herein, the Court denies the motion to reconsider.

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1 Motions for reconsideration are generally disfavored and are considered “an  
2 extraordinary remedy, to be used sparingly in the interests of finality and  
3 conservation of judicial resources.” *Kona Enters., Inc. v. Estate of Bishop*, 229  
4 F.3d 877, 890 (9th Cir. 2000). A motion for reconsideration may be granted when:  
5 (1) there is an intervening change in controlling law; (2) the moving party presents  
6 newly discovered or previously unavailable evidence; or (3) the motion is  
7 necessary to correct manifest errors of law or fact upon which the judgment is  
8 based. *Turner v. Burlington N. Santa Fe R. Co.*, 338 F.3d 1058, 1063 (9th Cir.  
9 2003). “Whether or not to grant reconsideration is committed to the sound  
10 discretion of the court.” *Navajo Nation v. Confederated Tribes and Bands of the*  
11 *Yakama Indian Nation*, 331 F.3d 1041, 1046 (9th Cir. 2003).

12 The Court finds no grounds to reconsider its earlier decision. In their motion,  
13 Defendants contend that the documents sought by way of subpoena are protected  
14 by attorney-client privilege, albeit, not as it relates to any attorney of record in this  
15 case, and submit a privilege log identifying which documents they believe are  
16 protected. What Defendants have not shown is either an intervening change in  
17 controlling law, newly discovered evidence, or manifest error justifying  
18 reconsideration. Defendants’ improper attempt to rehash arguments made in their  
19 initial motion will not be considered by the Court. *See Kona Enter.*, 229 F.3d at  
20 890.

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1 Accordingly, **IT IS HEREBY ORDERED:**

2 1. Defendants' Motion for Reconsideration of ECF 32, ECF No. 33, is  
3 **DENIED.**

4 **IT IS SO ORDERED.** The District Court Executive is hereby directed to  
5 file this Order and provide copies to counsel.

6 **DATED** this 27th day of August 2018.



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14 Stanley A. Bastian  
15 United States District Judge  
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